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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,047	03/31/2004	Richard A. Forand	P19048	6169
45445 7590 04/01/2009 LeMOINE PATENT SERVICES, PLLC C/O CPA GLOBAL P. O. BOX 52050 MINNEAPOLIS, MN 55402				
EXAMINER				
HO, DUC CHI				
ART UNIT		PAPER NUMBER		
2419				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,047

Applicant(s)

FORAND ET AL.

Examiner

DUC C. HO

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12, 14-18, 23-25, 30 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 12 and 14-18 is/are allowed.
- 6) ☒ Claim(s) 1-7, 23-25, 30, 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Acknowledgement

Applicant amendment and response to the non-final office Action was received on 1-02-09. However, the amendment and response was for application's serial number 11/318,118. The office Action below was mailed on 10-08-08 is now repeated for Applicant's convenience.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-8, 12, 14-18, 23-25, 30, 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kardach et al.(US 2004/0204031), hereinafter referred to as Kardach, in view of Chang et al. (US 2004/0184466), hereinafter referred to as Chang.

Regarding claim 1, Kardach discloses method and apparatus for communicating via a radio channel. The electronic device 110-fig. 1 is a cellular phone in communication with a laptop computer 130-fig.1, see 0015. The cel.110-fig.1 includes a WLAN transceiver 220-fig.2 operable for wireless communication with other devices or network, see 0016. The cellular phone 110-fig.1 is capable of sending an email stored in the laptop computer via the WLAN transceiver.

Kardach, however, does not expressly teach the email having been previously composed and stored on the notebook computer. In other words, Kardach does not teach an email message stored in the notebook capable of being sent.

Chang discloses mobile server for internetworking WPAN, WLAN, and WWAN. In Chang notebook computers or mobile phones are able to send and receive emails in motion, see 0004. In other words, an email previously composed in a notebook computer could be sent as it wirelessly connected to access points.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the teaching of Chang in which an email previously composed and stored in a notebook could be sent as it wirelessly connected to access points into the system of Kardach such that the email stored in the laptop computer 130-fig.1 could be sent via a wireless WLAN access point. The motivation is the user can save time, for example, to work on an email and instructed it to be sent while in the airplane, and the email will be sent as soon as the user access to a WLAN access point within the airport.

Regarding claim 2, in Chang the network other than the WPAN includes a WLAN, see 0006.

Regarding claim 3, in Chang the network other than the WPAN includes a 802.11 compliant network, see 0006.

Regarding claim 4, in Chang the network other than the WPAN includes a WWAN network, see 0012.

Regarding claim 5, in Chang the WWAN network includes a GSM network, see 0022.

Regarding claim 6, in Kardach the electronic device 110-fig.1 is a handheld device.

Regarding claim 7, in Kardach the device 110-fig.1 could communicate with the laptop computer 130-fig.1 with Bluetooth, see 0003.

Regarding claims 23-25 have similar limitations as claims 1-2 and 7, respectively. Therefore, they are rejected under Kardach-Chang for the same reasons set forth in the rejection of claims 1-2 and 7.

Regarding claim 30, this claim has similar limitations as claim 1. Therefore, it is rejected under Kardach-Chang for the same reasons set forth in the rejection of claim 1. Instead of sending, the device 110-fig.1 of Kardach could download email via WLAN connection of Chang.

Regarding claim 33, this claim has similar limitations as claim 30. Therefore, it is rejected under Kardach-Chang for the same reasons set forth in the rejection of claim 30.

Regarding claim 34, in Chang the notebook is capable of connecting to a corporate network via a WWAN connection, see 0012.

Regarding claim 35, in Chang the notebook is capable of connecting to a corporate via a cache credentials.

Regarding claim 36, this claim has similar limitations as claim 1. Therefore, it is rejected under Kardach-Chang for the same reasons set forth in the rejection of claim 1.

Regarding claim 37, in Chang the notebook is capable of connecting to a corporate via a cache credentials.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 23, 30, 33 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Allowable subject matter

5. Claims 8, 12, 14-18 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

/Duc C Ho/

Primary Examiner, Art Unit 2419

03-28-09